

### REMARKS

With entry of the foregoing amendments, claims 1, 3-10, and 12-22 are now pending in the application.

Claim 12 has been amended to correct a claim formality. The claims were also rejected in the previous action under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,446,261 to Rosser in view of U.S. Patent No. 6,434,747 to Khoo et al and in further view of U.S. Patent No. 5,848,397 to Marsh et al. Claims 1 and 10 have also been amended and new claims 17-22 have been added. The Applicant respectfully requests reconsideration in view of the foregoing amendments.

#### Claim Formalities

Claim 12 was rejected under 35 U.S.C. §112, second paragraph, because the claim depended from canceled claim 11. Claim 12 now depends from claim 10 and this rejection should now be withdrawn.

#### 35 U.S.C. §103 rejection

The Examiner had rejected claims 1, 3-10, and 12-16 under 35 U.S.C. §103(a) as being unpatentable over Rosser in view of Khoo and Marsh.

The present invention is a network system that uses a system manager component that controls the scheduling of content download and activation to individual client devices as opposed to the individual devices controlling these operations by themselves. As now recited in claims 1 and 10, the present invention accomplishes this by matching stored user profiles of multiple network devices to a group profile for targeting the content, generating individual messages for the devices hereby targeted, the messages containing a schedule for content download and activation, and then initiating delivery of the scheduling messages to the targeted devices to cause them to download and activate the content according to the scheduling messages.

In particular, device address information from the matched user profiles is used to generate the scheduling messages, so that the scheduling messages can be delivered without

having to wait for the targeted devices to initiate a connection to retrieve these messages. By pushing these scheduling messages to targeted devices, the targeted devices can be directed from a central location to download and activate content in a timely and bandwidth efficient manner.

In the present office action, the Examiner acknowledges that Rosser and Khoo do not schedule content downloads. However, the Examiner states that Marsh teaches a download scheduler that determines when advertisements are sent to targeted users. The Examiner is of the opinion that it would have been obvious to one of ordinary skill at the time of the invention to have provided/delivered scheduling data (messages) to each user device so that downloading of advertisements to user devices would be scheduled for optimization. We respectfully disagree.

Referring to Marsh, his Fig. 1 discloses an electronic mail server system 104 that downloads advertisements to email clients 101 for offline display. In particular, Marsh discloses a so-called “advertisement download scheduler” that determines the order and number of advertisements that are to be downloaded to an email client during any given connection. However, Marsh must still wait for the client to initiate a connection to his mail server system in order to initiate the download of the advertisements (Marsh: Fig. 5 and col. 13, lns. 55-61). In other words, no advertisements can be downloaded or even scheduled for download by the centralized “mail server” until a user directs the email client to access the mail server system.

In contrast, the central “system manager” of the present invention does not have to wait for a targeted device to connect at an arbitrary unknown time in order to initiate content download and activation. Rather, the system manager schedules content download and activation by generating and initiating delivery of individual scheduling messages. These messages inform the targeted network devices to download and activate content at a specific time or upon occurrence of a specified event.

For example, Figs. 4A-4D of the present application illustrate scheduling messages in the form of (i) download and install messages and (ii) download, install, and start messages. These scheduling messages are sent to all network devices whose user profiles match the attributes of a group profile (page 22, lines 12-18). In the case where a download and install message is delivered, a target network device downloads the targeted content from the content store and activates the downloaded content in response to a start message from the system manager (Fig. 4C, page 25, line 9 to page 26, line 4). Alternatively, when a download, install and start

message is delivered, a target device downloads the targeted content from the content store and then activates the content at a predetermined date/time (Fig. 4B, page 24, line 1 to page 25, line 8) or in response to a particular event (Fig. 4D, page 26, line 17 to page 27, line 18) as indicated in the message.

In this context, Marsh does not teach or suggest scheduling content download and activation initiated by a centralized system manager to a targeted group of devices who then activate the prior downloaded content. Instead, Marsh teaches a mail server system that waits for the email clients to initiate a connection to it so that a "download scheduler" of the mail server system can download advertisements to the client in a particular order and quantity. More particularly, the download scheduler of Marsh does not generate individual scheduling messages for targeted network devices and then initiate delivery of the scheduling messages to the targeted devices to instruct those devices to download and activate the content according to the scheduling messages, as now recited in claims 1 and 10.

For at least these reasons, it is believed that claims 1 and 10 are novel and nonobvious in view of the prior art of record.

By virtue of their dependency from claims 1 and 10, it is also believed that the rejection of claims 3-9 and 12-16 is traversed. These claims are now allowable in view of the prior art of record.

#### New Claims 17-22

New claims 17-22 are directed at ways in which the individual scheduling message schedule activation of downloaded content. Support for these claims may be found in Figs. 4A-4D and in the specification as originally filed on page 24, line 1 to page 26, line 4 and page 26, line 17 to page 28, line 13.

By virtue of their dependency from claims 1 and 10, it is also believed that the rejection of claims 17-22 are also patentable.

#### Information Disclosure Statement

Applicants' records indicate that a Fifth Supplemental Information Disclosure Statement (IDS) that was filed on August 7, 2003 in a Request for Continued Examination (RCE) has not

been acknowledged by the Examiner. For convenience of the Examiner, enclosed is a copy of the PTO 1449 form as previously filed. A discussion of a particular reference is included in the previous amendment also filed with the RCE on August 7, 2003.

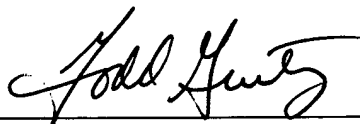
Also, a Sixth Supplemental Information Disclosure Statement (IDS) is being filed concurrently herewith. The references were applied in an office action involving a related U.S. Application No. 09/520,029 filed on March 6, 2000. The applied references do not teach or suggest (i) generating individual messages for the targeted devices to schedule content download and activation, (ii) initiating delivery of the scheduling messages to the targeted devices, and (iii) downloading and activating the content by the targeted devices according to the scheduling messages, as recited in claims 1 and 10. Acknowledgment of this Sixth Supplemental IDS is respectfully requested.

### CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 

Todd A. Gerety

Registration No. 51,729

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: 12/29/03